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Counsel for George T. Simmons and Janet B. Simmons

**BEFORE THE ARIZONA CORPORATION COMMISSION**

**COMMISSIONERS**

DOUG LITTLE, Chairman  
BOB STUMP  
BOB BURNS  
TOM FORESE  
ANDY TOBIN

In the matter of:

USA BARCELONA REALTY ADVISORS,  
LLC, an Arizona limited liability company,

USA BARCELONA HOTEL LAND  
COMPANY I, LLC, an Arizona limited liability  
company,

RICHARD C. HARKINS, an unmarried man,

ROBERT J. KERRIGAN (CRD no. 268516)  
An unmarried man,

GEORGE T. SIMMONS and JANET B.  
SIMMONS, husband and wife,

BRUCE ORR, an unmarried man,

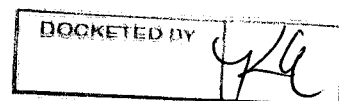
Mr. Simmons.

DOCKET NO. S-20938A-15-0308

**RESPONDENT'S RESPONSE TO  
STIPULATED MOTION TO CONTINUE  
DATE FOR FILING BRIEF FOR  
RESPONDENT RICHARD C. HARKINS  
DUE AUGUST 8, 2016 AND MOTION  
TO MAINTAIN JUDGE PRENY'S  
ORDER THAT ALL RESPONDENTS'  
POSTHEARING BRIEFS BE FILED  
SIMULTANEOUSLY**

Arizona Corporation Commission  
**DOCKETED**

AUG 09 2016



1 Respondent George T. Simmons, for himself and the marital community with his wife Janet  
2 B. Simmons ("Mr. Simmons"), submits this Response to the Joint Stipulation of Respondent  
3 Richard C. Harkins ("Harkins") and the Securities Division of the Arizona Corporation  
4 Commission's (the "Division") to extend the due date of Harkins' post hearing brief to August 22,  
5 2016 and moves that all respondents' post hearing briefs be filed simultaneously in accordance with  
6 Judge Preny's May 19, 2016 order.

8 Simmons does not object to the joint stipulation, provided that the due date for filing post  
9 hearing briefs for all respondents is extended to the same date so that all respondents' briefs are  
10 submitted simultaneously. This result would to comply with the letter and spirit of the May 19,  
11 2016 order that Administrative Law Judge Mark Preny issued at the hearing of this matter, which  
12 set a single date (August 8) for all respondents to file post-hearing briefs simultaneously.  
13 Fundamental fairness requires that all respondent be treated equally. Having one respondent  
14 (Harkins) file his post-hearing brief after all other respondents allows one respondent to consider  
15 the other responses, and denies the other respondents the same opportunity. One respondent  
16 viewing another's response may change certain arguments, or the way in which certain matters are  
17 presented, in this case benefitting one respondent over the three others.

19 Counsel for Mr. Simmons approached to Division to try and obtain its agreement on this  
20 proposal to grant the requested extension to Harkins, while maintaining the simultaneous  
21 submission of respondents' post-hearing briefs. The Division refused to agree to extend as to any  
22 respondent other than Harkins, necessitating the filing of this motion.

24 Mr. Simmons respectfully requests that the due date for all Respondents to file their post-  
25 hearing briefs simultaneously be extended to August 22, 2016.



1 Paul Kitchin  
2 Securities Division  
3 Arizona Corporation Commission  
4 1300 W. Washington, 3<sup>rd</sup> Floor  
Phoenix, AZ 85007

5 COPY of the foregoing mailed  
6 this 8 day of August, 2016 to:

7 USA Barcelona Realty Advisors, LLC  
8 c/o Richard C. Harkins  
4422 East Lupine Avenue  
Phoenix, AZ 85028

9  
10 USA Barcelona Hotel Land Company I, LLC  
c/o Richard C. Harkins  
11 4422 East Lupine Avenue  
Phoenix, AZ 85028

12 Richard C. Harkins  
13 4422 East Lupine Avenue  
14 Phoenix, AZ 85028

15 Robert J. Kerrigan  
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17 Bruce Orr  
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